Previous references.

Same file, ~~B Sept~~ 1904
Serial to 2 & 6 to 8, B Nov 1904

File No. 39
of 04—05

1905

(III Counts)

Later references.

Ct 76 of 06-07
Fin I—2 1705/05.
Ct 6 09-22

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 9, 10, 13 & 14

PART B FOR January 1905

SUBJECT.

Re recoupment of Rs 488 drawn by from the District ~~Court of~~ Treasury of Bangalore, on forged refund orders, by Ranga Rao, late Head Munshi of the Principal Munsiff's Court Bangalore.

9	FILE No. 39 of 1904-05. *Recoupment of Rs. 488, drawn from the District Treasury, Bangalore, on forged refund orders by Ranga Rao, late Head Munshi, Principal Munsiff's Court, Bangalore.* From the Registrar of the Chief Court, No. 3121—187, dated the 5th December 1904. Forwards the explanation of Mr. Gopaliengar as called for in Government Proceedings No. J. 1268-26—C. 39-8, dated the 17th November 1904, passing orders in the matter of the recoupment of Rs. 488 embezzled by Ranga Rao.

Sl. 1—24-9-08—8,000—B. Nov. 04: I. C. F. 39 of 04.

10 From the same Officer, No. 3122—188, dated the 5th December 1904.

Forwards copy of letter from the District Judge, Bangalore, giving cover to Mr. Gopaliengar's above explanation, stating that Mr. Gopaliengar has done what it was possible for him to do and that he cannot therefore be held responsible for the loss which the Government have had to suffer. (Serial Nos. 11 and 12 have been filed.)

13 From the Senior Surgeon and Sanitary Commissioner with the Government, No. G. 397 dated the 24th December 1904.

Forwards the explanation of Mr. P. S. Atchyutha Rao, Civil Surgeon, in regard to the payment of Rs. 300 by the latter to Ranga Rao's wife.

14 To the Registrar of the Chief Court; the Senior Surgeon and Sanitary Commissioner with the Government, and the Comptroller to Government, No. J. 2093-5—C. 39-14, dated the 31st January 1905.

Absolves Mr. Atchyutha Rao, from any blame in the matter and holds Mr. Gopaliengar liable for the payment of the amount which the Government have had to lose.

G. R. S. 11] 190 A. 5

GENERAL AND REVENUE SECRETARIAT.

(Courts.)

NOTES.

File No. 39

FILE HEADING.

Recoupment of Rs 488/-. Drawn from the District treasury Bangalore. in favour of Sri Ranga Rao. late Head Munshi of the Principal Munsiffs Court, Bangalore.

From

The Registrar of the Chief Court

No. 3124/189 Dated 5/12/04 Received 6/12/04.

Diary No. J 1164.	Enclos. one	Spare Copies. -	Serial No. 9

BRIEF ABSTRACT OF LETTER.

Forwards the explanation of Mr Spelinger as called for in Govt. Proc. No. J 1268-70/C 35-8 dt 17/11/04 passing orders in the matter of the recoupment of the sum of Rs 488 embezzled by Ranga Rao.

NOTES AND ORDERS.

In returning Mr Spelinger's bill for a sum of Rs 316/- & ordering the same to be recovered from his pay in instalments, the facts in Proc No. J 1268-70/C-35-8 dt 17/11/04, called on Mr Spelinger to explain why he did not move the authorities

To Records 1/2/05

7 Cr. S. Supt. 8. Page 52 etc.

Notes—First sheet.

MGCPB—25,000—18-8-04

G.R.S. 12]

General and Revenue Secretariat.

File No. 39 of 1904

Serial No.

The Court which convicted Ranga Rao of forgery to attach moneys in Dr Achyutta Rao's hands for the recovery of the fine imposed on Ranga Rao

Mr Spelling for Submits his explanation & requests that the order to deduct a portion of his pay monthly may be held in abeyance till the final decision of suit is passed on the receipt of explanation called for from Dr Achyutta Rao.

10. From the same office No. 3122/188 dt 5/12/04

Forwards copy of letter from the District Judge of Bangalore stating that Mr Spelling has done all that it was possible for him to do in the matter & that he cannot therefore be held liable for the loss which the Govt have had to sustain & supporting the request of Mr Spelling to hold in abeyance the first order as to the recovery of Rs 316 from Mr Spellings pay pending the final orders that may be passed on the explanation called for from Dr. Achyutta Rao.

Submit for orders

10/12/04 3 We may await the receipt of Dr Achyuta Rao's explanation, without which final orders (i.e. as regards Dr. Achyuta Rao's liability) cannot be passed

10.12.1904

10/12/04

NOTE—Contn. sheet.

MGCPB—20,000—1-11-04.

G.R.S. 12]

General and Revenue Secretariat.

File No. 35 of 1904.

Serial No. 13

From the Senior Surgeon & Sanitary Commr with the Govt N. G. 357 & 11th Dec 1904.

Forwards the explanation of Mr. O. S. Atchyuta Rao, Civil Surgeon in regard to payment of Rs 300/- by the Collr & Mangalore's wife.

Submitted for orders.

DO 28/12/04 SW 29/12/04

Seen 29.12.04

Submitted to the Honble the Commissioner. I do not know how Dr. Achutaka can be held liable. Nor is it possible to remit the amount that was allowed by the Govt. It is to be misappropriated

3.1.1905

1404 9-1-05 Lehtmagter

Mr Gopalan

Orders directing the recovery of the money from whom it is to be recovered should be issued.

Mr Achyuta Rao's explanation is not very clear. It was on the following points that

NOTE—Contn. sheet.

Serial No.

Govt wished to have his explanation before passing final orders:

1. Was it a fact that a different disposition of the money than that made had been substituted in the registered instrument between Venkata Rao & Ranga Rao?

2. If so why did Venkata Rao depart from it on a subsequent informal written request from Ranga Rao?

3. Was Venkata Rao aware at the date of the registration of the fact that Ranga Rao had been sentenced to a fine which Govt had to recover from his property?

4. Was he also aware, from his Co-Collegiate Do, that the house in question was Ranga Rao's property?

5. It does not seem however

Serial No.

necessary to pursue the matter further. I do not think Mr Achyuta Rao was guilty of any fraudulent intention. He seems to have acted honestly and under legal advice. As to Mr Gopalaraja, there is the fact that he was guilty of such neglect as to render him personally liable. He would no doubt have escaped from that liability if Mr Achyuta Rao had acceded to his request & withheld payment from Ranga Rao's wife. The latter however did not choose to comply. This is no reason why Govt should suffer. Govt cannot I am afraid compel Mr Achyuta Rao to pay.

16.1.1905

13/1/05.

6000/17.1.05.

Serial No.

4/17

I agree with the Commissioner the principal man at fault for letting this money go out of his hands - Instead of referring with regard to cheating he might have appraised Mr Ahluwalia of the convictions of the accused and asked him to withhold the money - At all events I think that the accused was to have asked the Superintendent to send that warning to Mr Ahluwalia - I cannot find fault with Ahluwalia - Nor can I absolve the staff from his liability.

Draft accepted 19.1.05

21.1.1905

Draft R/W 27/1/05 27/1/05

10 Passed 27.1.1905

14. To the Registrar of the Chief Court, Senior Surgeon & Sanitary Commr with the Govt for communication to Mr Ahluwalia Dist & the Comptr & Govt.

Absolves Mr Ahluwalia from any blame in the matter & holds the Subordinates liable.

MGCPB—20,000—1-11-04.

No 3121 Jud. III
1897
Court

Dup
Ans 6112
Rec No 35.

No 1164

Bangalore, 5th December 1904.

From,

The Registrar of the
Chief Court of Mysore.

To,

B. K. Venkatavaradaiyar Esquire,
Secretary to the Government of Mysore
General and Revenue Depts.

Sir,

With reference to para 6 of the Proceedings of Government No 268-70 / 39-8 dated the 17th Ultimo, I am directed to forward herewith in Original (to be obligingly returned) the explanation of Mr. Gopalarigar, Principal Munsiff of Bangalore re amount of Rupees 488 embezzled by Ranga Row, late Head Accountant of

of this Court.

I have the honor to be,

Sir,

Your most Obedient Servant,

Benjamin

for Register

Min

I beg to submit the — following Explanation as called for in para 6 of Govt. Proceedings No. J $\frac{1268-70}{C.39-8}$ dated 17th November 1904. —

During the course of his trial in the Sessions court, Ranga-Rao confessed that he sold his house, which was his only valuable property while in custody as an under trial prisoner to Dr. Achyut Rao for Rs 1600 of which he has received Rs 600- Out of the balance he said he had asked Rs. 300/-

to be paid by the pur-
-chaser to one Dod
Rangappa. This man
Rangappa deposed
before the Sessions
judge that no money
was due to him from
Ranga Rao. The Sessions
Court was thus aware
of the fact that Rs. 300
were available for
attachment. The
Sessions judge thoug-
-ht that he could
not take any action
for the recovery of
Rs. 300, before he
disposed of the case.
After he convicted
Ranga Rao, I thought
the Sessions Court
would

would execute the warrant for the re-covery of the fine in the usual course. I knew that Dr. Achyut-Rao was beyond the jurisdiction of the Bangalore Sessions judge and the Dist. Magistrate and that it would belong before such warrant could be executed. I there-fore informed the Chief court in my letter no: $\frac{735}{605}$ dated 2nd March 03 that Ranga Rao's money was available with Dr. Achyut Rao at Mysore and requested that

that necessary action
might be taken to
prevent the money
from being paid away.
The Chief Court only
directed me to inform
all that I knew to the
District Magistrate
in their docket No: 5050/3361
dated 6th March 1903.
I communicated all
the necessary infor-
-mation to the Dist.
Magistrate in my
letter No: 763/627 on the
7th March. My discre
-tion was thus restrict
-ed by the order of the
Chief Court. The
District Magistrate
ordered on the above
-letter

Copy submitted
for ready reference.

letter to await the -
sessions court warrant.
I had no reason to sus
-pect that an officer
of Dr. Achyut Rao's
status who was himself
the Supdt. of a jail
and a magistrate with
-in the jail precints
would act so precipi
-tately as to pay away
the money of the accused,
knowing as he did -
from Ranga Rao's note
No: 752 of the 2nd March
that the man was con
-victed, and knowing
that if he paid the
money he would in-
-tentionally prevent
such money from

being appropriated
in satisfaction of the
fine imposed on
Rangarao.

It is my impression
that the sessions judge
was also under the
belief that Rs 300 were
safe with Dr. Achyut
Rao by reason of my
having sent him a
D.O. and an official
letter in time to pre
vent the payment.
I believe the sessions
judge informed the
Bangalore District
Magistrate that he
might recover Rs. 300
belonging to Rangarao
from Dr. Achyut Rao
which

Yes. Certainly
C

I forwarded the copies
pendente lite to the Dist. Magte
& requested him to take to
necessary action in the matter.
C

which was sought to be done - It was quite dis- -appointing to us to find that Dr. Achyut Rao pleaded payment and that he intentionally thwarted our honest attempts to recover Ranga Rao's money. -

I respectfully beg to represent that from the language of the above proceedings the Government have not expressed their final opinion regarding the liability or otherwise of Dr. Achyut Rao to make good the sum of Rs 300 - His explanation is still awaited - I

- humbly

humbly request that
the order to deduct
a portion of my pay
monthly may be held
in abeyance for the
present and that it
may be given effect
to after the final de-
-cision of Government
is passed. —

M. Y. Sahukar

Principal Munsiff.

1st December 04
Bangalore

190.

From - V. A. Rajaratna Modaliar Esqre
Registrar of the
Chief Court of Mysore

To. N. T. Gopalienger Esqre
Principal Munsiff
Bangalore.

dated - 5th }
despatched 6th } March 1903.
Received - 6/3/03.

General No: 5050/3361.

Enclosures No:

His no: 735/605 dated the
2nd Instant in re Ranga Rao.

States that there is
no objection to the Munsiff
communicating to the Dist.
Magistrate, Bangalore,
or the police all he knows
in the matter in order
to facilitate the realizatio
— of.

of the fine imposed on Ranga Rao by the Sessions Judge -

(Signed) V. A. Rajaratna
Modaliar.

Registrar.

Copy. D. Jayatilleke
Clerk.

No 3122 / 188 Courts. III/Draw 6/12

82 no 20
26 no 39

13

L 1165

Bangalore. 5th December 1904

From,

The Registrar of the
Chief Court of Mysore.

Rpd 7/12/04

To, B. K. Venkatararadiengar Esqr:
Secretary to Government,
Genl: & Rev: Depttts.

Sir,

In continuation of this Office letter No. 3121/187 dated this date, I am directed to forward herewith copy of letter No. 1797/271 dated 2nd instant from the District Judge of Bangalore giving cover to Mr. Gopaliengar's explanation re loss of Rs 488/- embezzled by Ranga Row.

I have the honor to be,
Sir,
your most obedient Servant;

For Registrar

Mlm

1904-5

From, S. R. Subbaroya Esqr Engineer
District Engineer, Bangalore.

To. V. N. Rajaratna Mudeliar Esqre
Registrar, Chief Court of Mysore

No 1797/271 dy 2d. December 1904

Sir

In forwarding herewith the explanation from the Principal Immdi, Bangalore, called for in the last para of the Govt Proceedings No J 1208-70/C 39-8 dated 17th ultmo, I have the honor to state that Mr. Gopalaiyar has been vigilant and prompt not only in taking the necessary steps to bring the late Head Immdi, Ranga Row, to justice, but also in discovering the means whereby the amount embezzled by Ranga Row could be recouped.

I

It was after consulting me that the Munsiff wrote his D. O. and the official letter of the 27 and 28 February 1903 to Mr. Subbarao, and he lost no time in taking the matter also to the notice of the Chief Court and communicating its orders, as required in Docket No $\frac{5050}{3361}$ dated 6 March 1903 from the Registrar to the District Magistrate, who was the Officer charged with the execution of the warrant for the recovery of the fine imposed by this Court on the Head Munshi. All that was possible to do he has, I submit done, and if the result has not been fruitful, he could not be blamed nor be held responsible for it.

2. The Munsiff requests that the recoveries from his pay ordered by Government in their proceedings under reference may be held in abeyance pending

pending the final orders that may be passed on the explanation called for by Government from Mr. Achuta Row, and Sheg strongly to support his request which seems to me quite reasonable.

I have, &c.

Sd/- S. R. Sabbaroya Iyer,

District Judge

Copy.

Secretary -

Fr. Registrar

Mihi

17 file no 39 / 1333
8 (no 13

No.G. 397 Dated Bangalore, 24th December 1904.

From

Lt. Col. John Smyth M.D., I.M.S.

Offg. Senior Surgeon and Sanitary Commissioner

with the Government of H.H. the Maharaja of

Mysore, Bangalore.

To

B.K. Venkatavaradaiengar Esqr.,

Secretary to the Government of H.H. the

Maharaja of Mysore, General and Revenue

Departments, Bangalore.

Sir,

With reference to the proceedings of the Government of His Highness the Maharaja of Mysore and Order thereon No.J.1268-70/C.39-8 dated 17-11-1904, I have the honor to forward in ori--ginal the accompanying explanation of Civil Surgeon Mr. P. S. Achyuta Rao, together with its enclosures.

I have the honor to be,

Sir,

Your most obedient servant,

M.D.

Lt.Col.I.M.S.

Offg.Senior Surgeon and Sany.Commr.,

57 11: 13
22 11: 39

III
Court 27/11

No. 1333

1904

From Lt. Col. J. Smyth M.D.
I.M.S.
The Senior Surgeon and
Sanitary Commissioner,
Mysore Government,
Bangalore.

To
B. K. Venkataravadaiya Esqr
Secretary to the Govt of Mysore
Dated 24th Dec 04
Despatched
Received Gen & Rev Depts
General No. G 397 Bangalore
No.

Enclosure No. 3

Forwarding the explanation of Civil Surgeon Mr P.S. Achyuta Rao, in re to certain facts connected with the payment by him of Rs 300/- to the wife of one Ranga Rao.

Mysore
8th December 1904

From

P. S. Adiyata Rao Esq^re
Civil Surgeon 1st class
Distt: Medl & Sanitary Officer
Mysore

To

Lieut: Col: J. Smyth Inspr D. I. Sts,
Senior Surgeon & Sanitary Commissioner
with the govt: of Mysore

Sir

In reference to govt: Proceedings
No: J 1268-70 / C 39-8 & 17th November 1904
Calling for my explanation in regard
to certain facts connected with
the payment by me of Rs: 300/- to the
wife of one Rangaraw, in spite of
the so called warning by the Municipal
- Mr. D.S. Gopalaiengar of Bangalore - to
the contrary, I have the honor to
State as under

Mr. Gopala Iyengar's D.O. of
the 27th February '03 and his
official letter No: 732 / 803 & 28th Feby/03

referred to in para 5 of the proceedings
under reply, both of which is original
I herein send enclosed for the
information of the Govt: here; it will
be seen written to me before any
decision had been arrived at by
the Sessions Judge in regard to the
guilt or otherwise of Head Munshi
Ranjarao; and that from these
letters it was not possible for me
to have been aware when I paid
the money to Ranjarao's wife,
that Ranjarao had been sentenced
to a fine as well as imprisonment."
to a fine as well as imprisonment.

However as soon as I received
Ranjarao's letter from the Jail
requesting me to pay the sum
of Rs: 300/- to his wife, I consulted
a well read lawyer of over
twenty years' experience.
perpetual

My Counsel told me that
since no Court injunction had
been placed upon the amount

I was legally bound to pay the money as desired by Ranjakan no matter to whom it was.

It was on the strength of this legal advice, myself being no lawyer, and taking pity upon this woman who had been left by her husband in a starving condition I paid the amount to her and took an acknowledgment receipt therefor.

I trust it will be clear from what I have stated above that I had not the remotest idea of defrauding the Govt:

If after taking all these facts into their consideration the Govt: still think that I acted ultra-vires and that I am bound to make good the loss to Govt: I have only to be told so and I shall without a demur pay Rs: 300/- and shall take it that I overpaid the value of the house by Rs: 300/-

I have the honor to be

Sir

Your most obedient servant

J. Achy Mudaliar

Civil Supply 1st class

Distt Asst Salary Officer Jaffna

Judge yesterday
that he had con
-veyed his house
which was his
only property to
you for Rs 1600
out of which you
paid to him Rs 600
He said that a

sum of Rs 1000 was
left with you to be
paid hereafter
May I give you
notice that the
said Rangaraao
has cheated you
of Rs 500 nearly
and that he is liable

towards the [illegible] and the
Amt. to [illegible] 9
Mentione request
you to withhold
payment of the
balance of the
purchase money
till the sessions
case is disposed

U. S. Attorney's Office
Southern District
New York

Basseterre
27th Feb 03

Dear Mr Attorney

70 By late Hon. ble
Regulations which is
now undergoing
trial in the Crl
Sessions admitted
before the Session

and till the orders
of the chief court
are known. If
in spite of my in-
formation you
pay the amt. you
will do so at your
own risk. Please
use your best

direction and
Keep the money
in deposit with
your Banker or
with yourself
at the credit of
Regular No.

I am
Yours obedient
N. T. Lobachevsky
Pl Inventor

27

189

From N. T. Gopalierengar Esq
BA. BL
Principal Munsif
Bangalore

To P. Achuta Row Esq
Civil Surgeon
Mysore.

Dated 28th } February 1903.
Despatched }

Received

General No. 732
No. 693

Enclosure No. 2nd

Sir,

In continuation of my D.O. dated yesterday, I have the honor to inform that the case of cheating against Lakshmi Ranga Row of this Court has not yet been disposed of in the Sessions Court. Apart from Criminal liability, there can be little doubt that Ranga Row has been guilty of negligence and he is liable to make good to Government the amount paid on forged Refund Orders. The amount

amount to paid out is as at present known, Rs 500. The accused Ranga Row admitted before the Sessions Court that he sold his ancestral house, to you for Rs 1600- while he was in jail, out of which, he said you had paid Rs 600 only. I request that the balance of the purchase money may be held by you in deposit till further orders from this Court which will be communicated by me after the orders of the Chief Court are known. If, in spite of this information, you pay out the money, I am afraid it will be at your own risk

I have the honor to be
Sir
Your most obedient Servant
N. Gopalacharlu
Principal Sheristh

29 Draft Serial No. 14
File No: 39.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read:-

Government Proceedings No.J.1268-70/C.39-8, dated the 17th November 1904, calling upon Mr. P.S.Achyutha Rao, Civil Surgeon, and Mr.N.T.Gopaliengar, Principal Munsiff of Bangalore, to furnish explanations on certain points in connection with the recoupment of Rs.488/- embezzled by Ranga Rao, late Head Munshi of the Bangalore Principal Munsiff's Court, and holding Mr. Gopaliengar liable for a sum of Rs.316/- in connection therewith.

Seen 1/2/05

2. Letter No.3121/187, dated the 5th December 1904, from the Registrar of the Chief Court, forwarding the explanation of Mr.Gopaliengar.

3. Letter No.3122/188, dated the 5th December 1904, from the same officer, forwarding copy of a letter from the District Judge of Bangalore, stating that Mr.Gopaliengar has done all that was possible for him to do in the matter and that Mr.Gopaliengar cannot therefore be held liable for the loss which the Government have had to sustain.

4. Letter No.9397, dated the 24th December 1904, from the Senior Surgeon and Sanitary Commissioner with the Government, forwarding the explanation of Mr.P.S.Achyutha Rao.

&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&

Order thereon No. J 2098-5 dt 31/1/05
C:39-14

Dated Bangalore, 28th January 1905.

Mr. Gopaulinjar, Munsiff, take

Exception to Mr Achuta Row having,
as per Ranga Row's wishes, ~~[illegible]~~
& Ranga Row's wife
~~[illegible]~~ paid the money due by
him & ~~[illegible]~~
~~[illegible]~~ Ranga Row on account
of a house bought from him,
~~[illegible]~~ all
~~[illegible]~~ Mr Gopaulinjar had requested
him not to do so on the ground
that that sum would be required
& be taken towards the amount
misappropriated by him (Ranga Row).
But Mr Achuta Row says that
he paid the money due from him
& Ranga Row to his wife as per
his request & that in doing so
he was guided by legal advice,
but was not actuated by the faintest idea
~~[illegible]~~ of depriving the Govt of the
chance of recovering the money
defalcated by Ranga Row. Govt
are unable to think that Mr
Achuta Row did not act honestly,
& accordingly absolve him of all
blame in the matter.

Will be framed
on return after
fixed pinnoal
by the Hon Councillor
hg
7/11/05

2. Mr Gopaulinjar's remissness
is, however, culpable. There is

the fact that he was guilty of such
neglect as to render him personally
liable. Instead of merely intimating to Mr. Achuta Row
that he might be required to recoup the amount defalcated by
the Accounts Clerk, he should have communicated
with Ranga Row, he ought and
perhaps ought to have apprised
Mr. Achuta Row of the conviction
of Ranga Row & of the fine imposed
on him and asked him to withhold
the money; or, as a better course,
have asked the Sessions Judge,
who convicted Ranga Row, to
send that warning to Mr. Achuta Row.
The Govt. therefore, cannot absolve
Mr. Gopaulinger of his liability
in the matter.

Secy.
28/1/05.

To The Registrar of the Chief Court of Mysore
The Senior Surgeon & Sanitary Commr.
with the Govt. of Mysore for Communication to Mr. Achuta Row
The Comptroller to the Govt. of Mysore

Copied 30/1/05.
Examined 30/1/05